

UNITED STATES COURT OF APPEALS

JAN 26 2006

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

ROBERTO ALVAREZ-ACEVES,

Petitioner - Appellant,

v.

ADOLFO FASANO, District Director,

Respondent - Appellee.

No. 03-55203

D.C. No. CV-02-00433-MJL
Southern District of California,
San DiegoORDER AMENDING MEMORANDUM
DISPOSITION AND DENYING
PETITION FOR REHEARING EN
BANC

Before: FARRIS, D.W. NELSON, and TALLMAN, Circuit Judges.

The Memorandum disposition filed on September 15, 2005, is amended to update the *Kevala* citation on Page 6, Line 5 to read: *see also Kelava v. Gonzales*, No. 03-73689, 2006 WL 60669, at *3-4 (9th Cir. Jan. 12, 2006).

With the amended Memorandum disposition, Judge Tallman voted to deny the petition for rehearing en banc. Judges Farris and Nelson recommended denial of the petition for rehearing en banc. The full court has been advised of the petition for rehearing en banc and no active judge has requested a vote on whether to rehear the matter en banc. (Fed.R. App. P. 35.)

The petition for rehearing en banc is hereby DENIED. No further Petitions shall be entertained.